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Selectmen's Minutes
April 28, 2003
7:00 P.M.

Present: Peter Ashton, Trey Shupert, F. Dore' Hunter, Walter Foster, Robert Johnson, Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

ELECTION OF NEW OFFICERS – Trey discussed his term as Chairman. He then announced that he would nominate Walter Foster as Chairman.

TREY SHUPERT – Moved to nominate Walter Foster as Chairman. PETER ASHTON – Second. UNANIMOUS VOTE

WALTER FOSTER Moved to nominate PETER ASHTON as Vice Chair

WALTER FOSTER Moved to nominate F. DORE' HUNTER as Clerk UNANIMOUS VOTE

ANN RIDLEY – STEERING COMMITTEE REPRESENTATIVE FOR TOGETHER FOR ACTON - Mrs. Ridley spoke about how pleased they were able to make this \$807.90 donation to the Town for the Elderly Taxation Fund. The Board expressed its sincere thanks for the hard work and the donation of the money to benefit the Elderly Tax Fund.

BROOKSIDE MALL -Graham Knowland spoke about an incident in April with large clean up going on at Brookside Mall. He does not think this is reasonable activity in a neighborhood during the late evening and early hours. He was sworn at by the workers doing the clean up when he was taking pictures. He reminded the Board that the Developer had promised to keep the neighborhood quiet. He further cited the improper entry to the lot by trash trucks. Walter and Trey spoke about. Dore' noted we had not fast tracked this and in fact we were sued trying to stop this development. He was asked to keep a log of such incidents in the future as they occur.

PUBLIC HEARINGS & APPOINTMENTS

SEWER COMMISSIONERS BUSINESS

TREY SHUPERT – Moved to set the April 03 sewer rate at .01605 per Gallon – DORE' HUNTER – Second UNANIMOUS VOTE

FIRE WORKS FUNDING PRESENTATION – The Board accepted with great generosity the gift of \$12,000 from the Acton Auto Dealers for use to fund the Fire Works on July 4th.

ACTON HOUSING AUTHORITY VACANCY – The Board of Selectmen and Housing Authority interviewed Erin O'Brien Bettez for the vacancy left by James Eldridge's resignation. TREY SHUPERT - Moved to appoint Erin O'Brien Bettez as Commissioner. PETER ASHTON - Second. UNANIMOUS VOTE

FRANKLIN PLACE 40B PROJECT, 520 MAIN STREET – Steve Anderson updated the Board on the workings of 40B in general and how it pertains to the current submittal of the 40B Plans for Franklin Place.

Peter asked about the term uneconomic and Peer Review process. Steve said the developers hardly ever come forward with their Pro Forma in its complete form. Peter asked about the local concerns about density and safety. Trey asked several questions and commented that the Board needed to take a position on this and review with the staff.

Michael Eder asked about the abutter's ability to appeal the decision, Steve said yes.

Michela Moran asked if the Town was an abutter, what happens can the town sue? Steve said yes if you can prove adverse conditions

Anne Fanton asked about getting copies of Steve Anderson's Memo for the public and further asked about who on staff would be the key person. Walter said that Steve would be helping us through this. She asked who would have to pay the legal bills if abutters wanted to take legal action. Steve replied the abutters would.

Ms. Lippincott – Thanked the Board for educating them on the process. She asked what was going on at the State Level, she asked what have we done in the past. She wondered if Acton has made overtures at the State level. Walter felt not.

Dore' discussed his concerns with density and parking that are legitimate concerns in this regard. He also noted the lack of children's play areas. He feels we need to address these issues and gives him the impression too much on to little. He cited the parking problem at Windsor Ave and the possible and potential shortages in parking at this proposed site.

Trey feels we need to prepare a document outlining concerns to give guidance to the ZBA.

Peter noted the fact that we have come to this discussion with the ZBA meeting scheduled in two weeks time. He feels we need an interactive and pro-active stance with regard to 40B's coming to town. He felt we need to integrate the views of all the Boards and Committees so we have some general agreement. He was concerned with parking and any waivers requested by the developer. He felt we needed to ask for a Peer Review. Peter noted a scaled down version may be acceptable.

Walter noted that there needs to be an information sharing and the lack of intimate knowledge of ZBA suggested that Steve Anderson could assist them. He too was concerned about the Pro-Forma and percentage of profit the developer is pulling out of this. He shares the density along with siting issues and that they require additional information.

Mary Johnson of Hemlock Lane noted five acres of run off and septic damage if this is built.

Ray Flynn – Spoke about the wet spot in plans and how it would affect the abutters.

John Hurl – Asked if anyone had considered traffic on Route 27 and Nagog Hill Road.

Kathy Pantano asked about changes in the legislation and how it could affect this plan. Steve thought the new law only refers to new projects but court may retroactively enforce.

Michael Eder asked about the number of school children this would bring into the Schools?

Peter Ashton was tasked to prepare draft comments on behalf of the Board.

SELECTMEN'S BUSINESS

GOLD AWARD CEREMONY- Victoria L. Bennett, for Board assignment. Trey will represent the Board.

EAGLE SCOUT COURT OF HONOR - Calvin W. Metcalf, for Board assignment. Bob Johnson will represent the Board.

GOLD AWARD CEREMONY- Jennifer McInnis, for Board assignment. Walter will represent the Board

EAGLE SCOUT COURT OF HONOR - Joseph E. Carr, for Board assignment. Dore' will represent the Board.

EAGLE SCOUT COURT OF HONOR - Joseph R. Houston, for Board assignment. Peter will represent the Board.

BROOK SIDE MALL – TREY SHUPERT – Move to waive Condition 2.9 of Site Plan Special Permit No's 07/26/00-372 revised and 08/25/00-373 revised, such funds to be released from escrow upon dismissal of *Farm Hill Mall Limited Partnership v. Board of Appeals of Acton et al*, Middlesex Superior Court **No. 02-3050S**. PETER ASHTON – Second. UNANIMOUS VOTE

ALCOHOL COMPLIANCE CHECK - The Board asked Staff to invite Atlantic Sea Grill owners in to discuss the violation at the next available meeting. A copy of their Liquor Policy was asked to be attached.

OTHER BUSINESS

Our Town Counsel, Acheson H. (Mike) Callaghan is retiring after 30 years of service to the Town of Acton. It was noted that his advice and counsel would be missed. The Board will arrange for a presentation.

Peter noted the donation to the Senior Tax Relief in the amount of \$15,000 by an anonymous gifter.

House Budget – PETER ASHTON – Moved to write the State regarding their Budget.
TREY SHUPERT – Second. UNANIMOUS VOTE.

Trey asked that when the Board begins revising its goals that the development of a Teen Center be included. Trey volunteered to represent the Board.

DEP Meeting on May 14, 2003. Dore' and Peter will attend.

Trey spoke about the Health Insurance Trust and that he is very disappointed with two of the Trustees.

CPA – May 1st they are writing the plan.

EDC Walter will have a memo in the next packet or Board review.

CONSENT AGENDA

TREY SHUPERT – Moved to approve with the additional Extra Info Packet Declaration of Surplus equipment disposal and One day Liquor License for LeLyonnnais – PETER ASHTON - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

No report made

EXECUTIVE SESSION

None required

Christine Joyce
Recording Clerk

Clerk

Date

April 25, 2003

TO: Board of Selectmen, Sewer Commissioners

FROM: Trey Shupert, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

April 28, 2003
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

1. **ELECTION OF OFFICERS** – Reorganization of the Board for the coming year will be taken-up as the first order of business.

II SEWER COMMISSIONER'S BUSINESS

2. **RATE SETTING FOR APRIL** – Enclosed please find recommendations and staff comments for Board consideration.

III. PUBLIC HEARINGS & APPOINTMENTS

3. **7:10 FIRE WORKS DONATION** – Representatives of the Acton Auto Dealers Organization will be present to ask the Board to accept their \$12,000 donation to be used for July 4th Fireworks.
4. **7:15 ACTON HOUSING AUTHORITY** – Enclosed please find materials regarding the appointment of Erin O'Brien Bettez to the Commissioners seat vacated by James Eldridge for Board consideration.
5. **7:25 FRANKLIN PLACE, 40B PROJECT – 520 Main Street** – Enclosed please find Materials in the subject regard. Town Counsel will be present to discuss 40B issues/processes with the Board and members of other invited Boards. Please bring filing documents that were distributed in hard copy last week.

IV. SELECTMEN'S BUSINESS

6. **GIRL SCOUT GOLD AWARD CEREMONY** – Enclosed please find an invitation to attend Victoria Louise Bennett's Gold Award ceremony on May 5, 2003, for Board assignment.
7. **SCOUT EAGLE SCOUT COURT OF HONOR** – Enclosed please find an invitation to attend Calvin W. Metcalf's Eagle Scout Court of Honor on June 1, 2003, for Board assignment.
8. **GIRL SCOUT GOLD AWARD CEREMONY** – Enclosed please find an invitation to attend Jennifer McInnis's Gold Award ceremony on June 1, 2003, for Board assignment.
9. **SCOUT EAGLE SCOUT COURT OF HONOR** – Enclosed please find an invitation to attend Joseph E. Carr's Eagle Scout Court of Honor on June 8, 2003, for Board assignment.

10. **SCOUT EAGLE SCOUT COURT OF HONOR** – Enclosed please find an invitation to attend John R. Houston's Eagle Scout Court of Honor on June 11, 2003, for Board assignment.
11. **BROOKSIDE MALL** – Enclosed please find Town Counsel's request to have the Board vote specific wording with respect to waiver of the \$40,000 condition contained in the Brookside Mall Site Plan Decision.
12. **ALCOHOL COMPLIANCE CHECK** – Enclosed please find materials in the subject regard.
13. **OTHER BUSINESS**

V CONSENT AGENDA

14. **ACCEPT MINUTES** – Enclosed please find minutes for March 24, 2003, for Board acceptance.
15. **CONCORD CONNECTION - SITE PLAN SPECIAL PERMIT – 12/20/02-387** – Enclosed please find the decision for the subject Site Plan, for Board consideration.
16. **55 KNOX TRAIL** – Site Plan Special Permit – 01/03/01/365 – Enclosed please find a request for approval of a "minor" amendment to the subject Site Plan, along with staff comment, for Board consideration.
17. **ACTON FAMILY NETWORK** - Enclosed please find a request for permission to use the Town Hall parking lot for a "Tag Sale" on May 31, 2003, for Board consideration.
18. **MAISON MAISON** – Enclosed please find materials to change the restaurants DBA from Maison Maison to Number Five Strawberry Hill for Board consideration.
19. **DONATIONS TO THE SUMMER CONCERT SERIES AT NARA** – Enclosed please find a list of contributions in the subject regard for Board consideration.
20. **NARA PARK BEACH PASSES** – Enclosed please find confidential request for a Beach Fee Reduction at NARA Park for Board consideration.
21. **NARA BEACH PASS** – Enclosed please find a request and staff comment regarding a reduced fee for use of NARA Park Beach for Board consideration.
22. **ACTON CLEAN UP DAY** – Enclosed please find a request from the Acton Conservation Trust to have the Town support Acton Clean Up Day scheduled for May 10th
23. **ACTON COMMUNITY HOUSING CORPORATION** – Enclosed please find a recommendation from ACHC for Board approval of a refinancing request for one of the Town's affordable units.
24. **ACTON COMMUNITY HOUSING CORPORATION** – Enclosed please find a Draft Letter of Interest for the Soft Second Loan Program for Board consideration.

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

25. ARRT/MBTA RIGHT OF WAY

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

May 19, 2003

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
Implement Chairman Round Table - (Trey) *(for Dec/Jan)*
Revisit 2020 Planning Process for direction to make this process more beneficial towards
Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) *(PCRC EDC – Continuing to meet)*
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) *(Peter still working on getting comments from Water District.)*
8. Decision on Pentamation Accounting System (Dore/Peter) *(Proposals are being looked at by staff)*
9. Process Planning for "Life after NESWC" (Pam/Peter) *(John Murray is looking at this)*
10. Joint IT process-organizational change (Walter/Dore) (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) *(ALG put plan in place A/B)*
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) *(Need to look at budget)*
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) *(Need to look at budget override for Operating budget)*
13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

GOALS carried forward

16. Public Safety Facility (Dore/Trey)
 17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) *(No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)*
- Goals 2003-Selectmen folder**

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Selectmen's Minutes
May 5, 2003
8:00 P.M.

Present: Walter Foster, Peter Ashton, Trey Shupert, F. Dore' Hunter, Robert Johnson, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

PUBLIC HEARINGS & APPOINTMENTS

SEWER COMMISSIONERS BUSINESS

FRANKLIN PLACE 40B PROJECT, 520 MAIN STREET – Continued review and discussion from April 28, 2003 meeting. Peter outlined his draft, which incorporated board members comments. Steve Anderson has reviewed it and commented. While the Board supports affordable housing they have concerns and issues with this particular project. He noted the scope and density, parking traffic, water quality recreation and they have asked about the required waivers that may be necessary. They feel that there are significant questions that need to be addressed in the pro forma. They need to reach agreement before they can move forward.

Dore' complemented the memo and asked it be in letter form and signed by all Board Members. He was concerned that the reference about the pro forma was at the end and suggested some short two or three sentences in the "very concerned" paragraph prelude to closing sentence on the pro forma.

Bob Johnson noted the completeness of the drafted and too agreed on the letter and signatures.

Trey noted it covered every thing and felt the pro forma as a reasonable request for the Board of Appeals.

Walter asked that a reference be made that after the pro forma or peer review is complete all boards get a copy of the information added to the end of the letter. Dore' noted that Peter had listed it but maybe it could be split off into a new paragraph. Walter noted we have received many letters from abutters and noted that the letters all echoed their concerns. He too agreed to put it in letter form and signed by the entire Board. He discussed the memo that Nancy Tavernier forwarded about the mission statement dated back to 1988.

Walter opened up the floor to the comments. Nancy Tavernier speaking partly from ACHC and her own opinions. She asked if the final memo that Peter wrote was in comment form or do you come to a conclusion? Walter noted that it is in a summary fashion which echoed the staff comments. Nancy explained about the materials she presented and noted that we had staff in the form of a circuit breaker at the time. But it is a very cumbersome process if you don't have staff to man it.

She was concerned about using the Master Plan compliance as a guide and it has not provided one single affordable unit. ACHC supports Franklin Place at 32 units and would support less or more units. It has potential to this coming year of doubling our affordable units 16 and by the end of the year we could have 32 units.

Walter commented on the politicization of the project and that is why we had Counsel in. He reminded all that the Board of Appeals is the only party that can grant the variance.

Betty McManus – ACHC supports the project because of the affordability. They will be deed restricted for 99 years. She has spoken to the 16 current first time owners and they appreciated what the community has made possible to them to have homeownership.

Katrina Block – Noted the process and felt that people needed to understand that the ACHC is passionate. They work very hard and it is not handled frivolous manner.

Ann Fanton –Chaired the Master Plan Committee in 1991 and she does not think that Franklin Place has been a political issue. She feels it is inconsistent with the Master Plan.

Ms. Lippincott – She is in no way against affordable housing, but they have really invested their lives to living in their house and in that neighborhood. She feels it is a very inappropriate development.

Lisa Brandon is against the development and feels that it was not appropriate in the center. She was pleased that staff was reviewing the plan and were looking into the wastewater issues.

DORE' HUNTER - Move that we all sign the letter as indicated as Peter's final draft and correspond to the ZBA to stress that if they require the hiring of appropriate people to review the subject that they do so. TREY SHUPERT – Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

OTHER BUSINESS

CONSENT AGENDA

TREY SHUPERT – Moved to approve the Extra Info Packet request for a One-Day Liquor License– DORE' HUNTER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

EXECUTIVE SESSION

DORE' HUNTER Moved that the Board go into Executive Session for the purpose of litigation. TREY SHUPERT – Second. Roll Call taken, All Ayes

Christine Joyce
Recording Clerk

Clerk

Date